

# **BOARD OF POLICE COMMISSIONERS**

## **Minutes of the Regular Board of Police Commissioners Meeting Thursday, April 14, 2005**

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, April 14, 2005, at 6:30 p.m., at Saint Maron Cathedral Rectory, 11466 Kercheval, Detroit, Michigan 48214.

### **ATTENDANCE**

#### **Board Members Present**

Arthur Blackwell, II  
Erminia Ramirez **(ABS)**  
Jim Holley **(ABS)**  
Megan Norris  
Willie Hampton

#### **Department Personnel Present**

Chief Ella M. Bully-Cummings  
AC Gary Christian  
AC Walter Martin  
DC Chester Logan  
DC Ralph Godbee  
DC Brenda Goss-Andrews  
Cmdr. Leo Powers  
Cmdr. Marshall Lyons  
Insp. Hilton Napoleon  
Insp. Tony Saunders  
Sgt. Debbie Jackson  
Sgt. Mattie Lewis  
Sgt. Alan Quinn  
PO Mike Woody  
PO Joseph Woodall  
PO Cheryl Taylor

#### **Board Staff Present**

Dante' L. Goss, Executive Director  
E. Lynise Bryant-Weekes, Personnel Director  
Denise R. Hooks, Attorney/Supervising Inv.  
Arnold Sheard, Interim Chief Investigator  
Ainsley Cromwell, Supervising Investigator  
Cindy Owens, Investigator  
Carmen Russell, Investigator  
Kent Cooper, Police Officer

### **OTHERS PRESENT**

Ron Scott  
Rick Jones  
R. McLeod  
M. Michals  
Sandra Hines  
R. Palmex  
Explorers Post 909  
W.P. Kim Worthy

Carl Umbuau  
Sylvia Carter-Smith  
Joan Terry  
Rev. David Murray & Family  
Wilie Clements  
Verenda Arnold  
Explorers Post 505  
Jim Gonzales

Mari Kirkendoll  
Abed Hammoud  
Eddie Booker  
James King  
Kata Taylor  
Ms. Walters  
Sherry Woods, DOJ

## **RECORDERS**

Jerome Adams

### **1. CALL TO ORDER**

**Chairperson Blackwell** called the regular meeting of the Detroit Board of Police Commissioners to order at 6:40 p.m.

***Post 505 Explorers presented the colors.***

**Chairperson Blackwell** thanked Saint Maron Cathedral Rectory for allowing us to be here this evening. He asked the director of Saint Maron, Father Cole to come forward and say a few words.

**Father Cole** welcomed everyone to Saint Maron Cathedral Rectory.

**Comm. Norris** read the duties and responsibilities of the Board of Police Commissioners

**Chairperson Blackwell** introduced Cmdr. Jesse Banks.

### **2. APPROVAL OF MINUTES**

- **Thursday, April 7, 2005**

**MOTION:** **Comm. Norris** made the motion to approve the above Minutes.

**SECOND:** **Comm. Hampton** seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

### **3. REPORT FROM THE CHAIR**

**Chairperson Blackwell** stated as you know, the Mayor made his budget message at City Council early this week. In that particular budget message, obviously there were some issues affecting the Board of Police Commissioners in particular and the police department in terms of some of the issues as it relates to freezing positions and eliminating inspector and commanders as well as issues affecting two current classes in the police academy. In addition to that there were some suggested reductions relative to the Board of Police Commissioners in the rank of investigator.

I just want everyone here to know that the Board of Police Commissioners is reviewing those and we want to get back to the administration and the city council and have a discussion on how these proposed cuts will impact the ability for us to be able to function. We understand as it relates to our responsibilities in the Charter, as well as the consent decree, that talks about our function as it relates to the consumer, to citizen complaints and the police department. It is very very important that we maintain a high level of value of visibility, but be able to carry proficient in our prosecuting specifications.

### **RESOLUTIONS HONORING**

#### **RESOLUTION HONORING LIEUTENANT KIM MACKIE-AUSTIN**

**WHEREAS** On May 19, 1977, Kim Mackie-Austin was appointed to the Detroit Police Department. Upon graduation from the Detroit Metropolitan Police Academy, Police Officer Mackie-Austin was assigned to the Fifteenth Precinct (presently the Ninth Precinct). Other assignments included the Professional Standards Section and the Office of the Chief Investigator; and

**WHEREAS** On January 10, 1986, Officer Mackie-Austin was promoted to the rank of Sergeant and assigned to the Seventh Precinct Patrol Operations. She also served at the Liquor License Unit, the Eleventh Precinct Patrol Operations, and the Special Operations Unit; and

**WHEREAS** On May 20, 1999, Sergeant Mackie-Austin was promoted to the rank of Lieutenant and assigned to the Planning and Inspection Unit. Her other assignments included the Technical Services Division and the Thirteenth Precinct, where she remained until her retirement on April 18, 2005; and

**WHEREAS** During her tenure with the Department, Lieutenant Mackie-Austin was the recipient of the 1980 Government of the People (GOP) Commemorative Award, one (1) Chief's Merit Award, three (3) Chief's Unit Awards, and one (1) Citation, as well as numerous letters of appreciation from various organizations and individual citizens; and

**WHEREAS** Lieutenant Mackie-Austin is a graduate of the Michigan University School of Police Staff and Command. She was instrumental in developing policy for programs under the Department of Justice Block Grants, and coordinated efforts of the Highland Park/Detroit Weed and Seed Initiative at the Thirteenth Precinct,

**NOW, THEREFORE, BE IT**

**RESOLVED** That the Board of Police Commissioners, speaking for the citizens of Detroit and the Detroit Police Department, acknowledge that for over 25 years, Lieutenant Mackie-Austin provided professional, loyal and dedicated service to the citizens of Detroit and the Department. Lieutenant Mackie-Austin's actions were in accordance with the highest standards and traditions of the Detroit Police Department.

We salute and congratulate you, Lieutenant Kim Mackie-Austin.

**DETROIT BOARD OF POLICE COMMISSIONERS**

/s/Arthur Blackwell  
Chairperson

/s/Erminia Ramirez  
Vice Chairperson

/s/ Megan P. Norris  
Commissioner

/s/Jim Holley

/s/Willie Hampton

Commissioner

Commissioner

**MOTION:**     **Comm. Norris** made the motion to adopt the Resolution.

**SECOND:**    **Comm. Hampton** seconded the motion.

**VOTE:**       All in attendance voted in the affirmative.

**RESOLUTION HONORING  
MS. DOROTHY MACKAY**

**WHEREAS** Ms. Dorothy MacKay has been a resident and community leader in the city of Detroit for 20 years; and

**WHEREAS** Ms. MacKay has served as the President of the Organized Neighbors East (ONE) for 5 years. The ONE is an organization responsible for implementing newsletters, regarding special events taking place in the neighborhood, community concerns and problems. Ms. MacKay assists with the distribution of the newsletters throughout the community; these newsletters reach approximately 4,000 eastside residents; and

**WHEREAS** Ms. MacKay works diligently to keep the community clean, including covering up graffiti, removing trash and litter from the streets, and going door to door educating the community on the importance of the proper storage of trash between weekly pick-ups and bulk trash pick-up dates; and

**WHEREAS** Ms. MacKay is instrumental in organizing and recruiting volunteers for the annual cleanup of the Baldock Park; she personally cleans the park to ensure that Baldock Park is a safe and enjoyable place for families to visit; and

**WHEREAS** Ms. MacKay, in addition to all the aforementioned activities, finds time to assist the Fifth Precinct with Community Relations activities,

**NOW, THEREFORE, BE IT**

**RESOLVED** That the Detroit Board of Police Commissioners, speaking for the citizens of the city of Detroit and the Detroit Police Department, acknowledge the generous spirit of Ms. MacKay. Her unselfishness

and dedication to improving the quality of life for all citizens in her community and throughout the city of Detroit, merits our highest regards.

We thank and congratulate you, Ms. Dorothy MacKay.

## **DETROIT BOARD OF POLICE COMMISSIONERS**

/s/Arthur Blackwell  
Chairperson

/s/Erminia Ramirez  
Vice Chairperson

/s/ Megan P. Norris  
Commissioner

/s/Jim Holley  
Commissioner

/s/Willie Hampton  
Commissioner

**MOTION:**     **Comm. Hampton** made the motion to adopt the Resolution.

**SECOND:**    **Comm. Norris** seconded the motion.

**VOTE:**        All in attendance voted in the affirmative.

**Chief Bully-Cummings** presented Ms. Mackay with a Certificate of Recognition on behalf of the Detroit Police Department.

**DC Ralph Godbee** presented her with the Spirit of Detroit Award on behalf of City Council.

**Ms. Mackay** thanked everyone.

## **4. SECRETARY'S REPORT – EXEC. DIR. GOSS**

### **CITIZEN COMPLAINTS RECEIVED**

**This Week**

**Year to Date**

2005 - Weekly Count of Complaints:	32	365
2004 - Weekly Count of Complaints:	12	413

- The Office of the Chief Investigator (OCI) closed a total of 52 cases this week.
- The Office of the Chief Investigator submitted 12 cases to the Chief's Office.
- The Chief's Office has reviewed and returned 0 cases to OCI.

## 5. REPORT/PRESENTATION – CHIEF OF POLICE

# DETROIT POLICE DEPARTMENT

## REPORT TO THE BOARD OF POLICE COMMISSIONERS

### *Vision Statement*

#### BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

## SPECIAL ENFORCEMENT ACTIONS

During the period of April 5<sup>th</sup> – April 11<sup>th</sup>, the *Narcotics Enforcement and Conspiracy Units* conducted 19 search warrants and 19 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ♦ 12 Felony arrests
- ♦ 73 Misdemeanor arrests
- ♦ 1 Juvenile detained
- ♦ 2,249.2 Grams of cocaine, 47.1 grams of heroin, 4,083,792.8 grams of marijuana - street value \$17,319,631.00
- ♦ \$646,750.00 U.S. currency

Confiscated:

- ♦ 15 Handguns
- ♦ 3 Vehicles

### *The Vice Section*

During the week of April 5<sup>th</sup> – April 11<sup>th</sup>, officers of the Vice Section conducted Operation Pressure Point within the boundaries of the 11<sup>th</sup> and 12<sup>th</sup> Precincts. The following are a result of their endeavors:

- ♦ 18 Miscellaneous Ordinances issued
- ♦ 7 Businesses inspected for vice related activities
- ♦ 2 Businesses cited for Michigan Liquor Control Commission violations

### *The Violent Crimes Task Force*

On April 10<sup>th</sup>, officers of the Violent Crimes Task Force and the Repeat Offenders were requested to assist the Homicide Section in the investigation involving the fatal shooting of a twelve year old boy. Members worked closely with the citizens which enabled officers to identify the man wanted for the murder. *The officers received further information that indicated the man was on a bus headed for Atlanta, Georgia. The officers provided the Atlanta Police Department and the Atlanta Office of the U.S. Marshals with photographs. The man was subsequently arrested without incident shortly after the bus had arrived at the station in Atlanta.*

## Police/Community Intervention



## TAKING THE GUNS OFF THE STREET !



Total Guns Confiscated  
Year-To-Date  
1,054

### TACTICAL MOBILE UNIT

On April 10<sup>th</sup>, officers of the Tactical Mobile Unit while on patrol in the 9<sup>th</sup> Precinct observed a man firing a weapon into the air. *As a result of an investigation and after a*



brief foot chase, the man was arrested without incident for "Reckless Discharge of a Firearm." Confiscated was one (1) handgun.

#### SECOND PRECINCT

On April 9<sup>th</sup>, officers of the 2<sup>nd</sup> Precinct responded to the 13000 block of Ward on an "Armed Robbery/Home Invasion I" run. Subsequent to an investigation, one (1) man was arrested and one (1) juvenile was detained without incident for "Armed Robbery" and "Home Invasion I."

#### THIRD PRECINCT

On April 5<sup>th</sup>, officers of the 3<sup>rd</sup> Precinct received information that a man wanted for murder was staying in an apartment in the 7000 block of West Vernor. Officers set up stationary surveillance. As a result of an investigation, the wanted man was arrested without incident for two (2) counts of "Murder in the 1<sup>st</sup> Degree," two (2) counts of "Assault" and "Felony Firearm."

#### SEVENTH PRECINCT

On April 9<sup>th</sup>, officers of the 7<sup>th</sup> Precinct responded to 1001 block of Leland on an "Armed Robbery Just Happened" run. Subsequent to an investigation and after a brief foot chase one (1) man was arrested for "Armed Robbery – Person." Confiscated were one (1) handgun and one (1) black knit ski mask.

#### EIGHTH PRECINCT

On April 10<sup>th</sup>, officers of the 8<sup>th</sup> Precinct while on patrol in the area of West 8 Mile Road and Evergreen observed a vehicle traveling without lights. The officer's initiated a traffic stop, which resulted in the arrest of two (2) men for "Carrying a Concealed Weapon – Motor Vehicle." Confiscated was one (1) handgun.

#### TENTH PRECINCT

On April 9<sup>th</sup>, officers of the 10<sup>th</sup> Precinct while on patrol in the area of Quincy and Gladstone observed a vehicle traveling at a high rate of speed, disregard a red signal. As a result of an investigation, two (2) men were arrested for "Carrying a Concealed Weapon – Motor Vehicle." Confiscated was one (1) handgun and (2) shotguns.

#### THIRTEENTH PRECINCT

On April 5<sup>th</sup>, officers of the 13<sup>th</sup> Precinct responded to the area of Grand River and Trumbull on "Two Men in a Vehicle Armed With a Gun" run. Subsequent to an investigation, two (2) men were arrested for "Carrying a Concealed Weapon – Motor Vehicle." Confiscated was one (1) handgun.

## **6. PRESENTATION – FIFTH PRECINCT**

**Insp. Hilton Napoleon** gave the following presentation:

**(See Attachment)**

## **7. PRESENTATION – WAYNE COUNTY PROSECUTOR'S OFFICE**

**Prosecutor Kim Worthy** stated she is the Wayne Prosecutor for Wayne County. She introduced Jim Gonzales and stated he will be giving the presentation.

**Mr. Jim Gonzales** stated he is the Chief Special Operations Division of the Wayne County Prosecutor's Office. One of the units within that division is what we call the Public Corruption Police Conduct Review team.

Our goal is to investigate allegations of criminality or misconduct by public or police officials and to vigorously prosecute them for any violation of that public trust. This unit was originally established back in January of 2001 and it has been carried on by Prosecutor Worthy. The members of that unit have ebb and flow giving the situation of staffing in the Prosecutor's Office overall. But, if you can with our jurisdiction between the city of Detroit and all other out county agencies, for which we are responsible, the Prosecutor is responsible as the Chief Law Enforcement Officer of Wayne County. In addition, our jurisdiction covered officers from many other agencies that have had incidents that needed investigation within the city of Detroit and all of Wayne County, for example, the State Police, the Border Patrol and the US Marshall. We have had investigations related to some of those officers.

The unit is committed to promptly responding to any allegation of misconduct involving a violation of public trust, ensuring that the investigation and prosecution are conducted in an objective manner, free from any bias, and maintaining a strong relationship with all law enforcement agencies, which investigate official misconduct.

Within the last few years, we have some data that might illuminate the volume of material that we have been looking at throughout the lifetime of this unit. Taking you back to the first year in 2001, there were twenty-nine (29) shootings, in which twenty-two (22) of those involved Detroit police officers. The remaining seven (7) involved officers from other agencies.

Also, as a part of the unit, we investigate in custody deaths. Back in 2001, individuals who were in custody and died, three of those deaths were in the

Detroit police precincts. So, of the 25 of the 33 cases that this unit processed in 2001, had involved Detroit police officers. Moving beyond 2002, there were twenty-five (25) shootings, seventeen (17) of which involved Detroit police officers and eight (8) involved out county agencies. There were six (6) deaths that related to individuals in custody and three (3) of those deaths were in Detroit precincts. So, in 2002, the total is twenty (20) of the thirty-one (31) cases that the unit handled that involved Detroit police officers. In 2003, there were twenty-eight (28) shootings, eighteen (18) involved Detroit police officers that the unit investigated. And, that remaining number was ten (10) that involved out county agencies. In 2003, there were fourteen (14) in custody deaths, only three (3) of those were from the Detroit precincts. Out of the forty-two (42) cases that the unit investigated in 2003, twenty-one (21) involved the Detroit Police Department. Last year, in the fourth (4<sup>th</sup>) year of the unit's existence, there were thirty-seven (37) shootings, twenty-five (25) involved Detroit police officers and twelve (12) involved out county agencies. I think that anything of these numbers, you can see there has been a study increased since 2001, in the number of shootings from offices that are not a part of the Detroit police department, which are out county offices. There were seven (7) in 2001, eight (8) on 2002, ten (10) in 2003 and twelve (12) in 2004. In 2004, there were six (6) in-custody deaths and I think some other good news that would be a part that this Commission would very much be interested in, none of those were attributable to the Detroit police department last year, six (6) occurred out county. Similar to the shootings, there has been an unfortunate increased in some of the ones that are out county, where there have been differences of in custody deaths. So far this year, there have been sixteen (16) police shootings and in custody deaths, warrants that have been presented to our office, similar to what the Prosecutor said to you, it would be improper for us to discuss those pending ones, but I can tell you that nine (9) of seventeen (17) have been resolved in terms of recommendation from our office and six (6) of those involve Detroit police officers. When I say recommendation that is in terms of whether or not a warrant should be issued and what should not be issued because we have made legal determination that no criminality that could be prosecuted has been found based on our unit's determination, the law and the facts. That's just to give you an idea of some of the work that the unit has done.

The specific duties of the unit are to investigate all deaths that occur when an individual is in custody. Secondly, to investigate all shootings by police officers, and again, it is a wide range that includes Border Patrol, the Michigan State Police and etc. that result in an injury. We do not review the shootings where the weapon is fired, but no individual is impacted. We also review all criminal or misconduct allegations against police officers from all of Wayne County both on and off duty, with one exception our domestic violence unit and the Prosecutor's Office handle those cases, in which Detroit Police Officers are involved because they are a more specialized unit, they have a protocol on some different resources available to them that our unit does not have. So, we made the decision that the domestic violence cases are to be prosecuted in the unit. Next,

we review all criminal or misconduct allegations against public officials. That term is defined by statute. And, also to the extent that we are able, we vertically prosecute and that is handled up from initial investigation, warrant review, warrant authorization, preliminary exam and trial. We vertically prosecute certain cases that are more complex that we get involved in that are more sensitive to that of the public. In a nutshell that's a brief description of the action activities of the unit. In closing, I know that it has always been our goal to attempt to try and resolve the investigation of these incidents promptly. I know that we have been (inaudible) the citizens of Detroit when an officer is not on the force or on the street and his/her situation is being evaluated by the Prosecutor's Office, and we are extremely sensitive of that. It has always been our goal to attempt to try and resolve our decision within the facts of the laws promptly as possible.

Rule of thumb, there is thirty (30) days from the time that you receive a complete warrant package from whatever law enforcement agency is investigating it to attempt to try and resolve the situation to the benefit of the Department, the public and, of course the individual officer as well. I would remind the Commission that the Prosecutor's Office standard is very high. And, I am sure that know that the proof behind reasonable doubt and that is what we attribute as a standard for proof for all cases that we prosecute when we decide to charge. I'm sure that is much different than your decision making powers in terms of administrative action.

**Comm. Norris** stated I have just have a question that I think I know the answer to because it is one that comes up a lot from questions from the public. And, part of it you just touched on when you said you have a very high burden of proof, so I take it that when you are evaluating your cases, you're evaluating whether you think you are going to be able to meet that burden in court.

**Mr. Gonzales** stated absolutely.

**Comm. Norris** asked am I right that you are also looking at criminal misconduct within the court, (inaudible) the shooting as oppose to things like did the officer violate various policies that are not criminal (inaudible) along the way.

**Mr. Gonzales** stated generally speaking that is correct. There are some charges that make references to official duties that officer's do that can be encapsulated in Department regulations. For example, the charges of misconduct in office, is a common law offense in the charge of neglected duty is equally a common law offense. Some of those offenses make reference to some regulations that are obligatory for officers to adhere to that may impact regulations. But, generally speaking you are correct, we don't make reference to whether it's a departmentally violation, if you will or not. Our mandate, as it is in any criminal case, look at the statutes, look at the law and determine if a crime has been

committed and if there is probable cause to authorize a warrant and then ultimately proof beyond a reasonable doubt.

**Comm. Norris** asked so there could well be situations where you determine there is no criminality at issue here or you could determine that we can make the case and persuade the...but the department is dealing with non-disciplinary issues and a different (inaudible) can come through differently.

**Mr. Gonzales** stated I agree with you a 100%. The standard that we have, if you make a decision that there is insufficient evidence or legal impediment to making a charge based on a standard of proof beyond a reasonable doubt, which I am assuming is much higher than your standard. That doesn't mean that the individual should not be evaluated or scrutinized thoroughly by the Board of Police Commission, for separate incidents or a violation of regulations. In fact, there may be a time when that is appropriate.

**Chairperson Blackwell** stated in terms of training, it appears there is more non-Detroit or out county agencies involved in shootings.

**Mr. Gonzales** stated there has been a study increase of shootings from out county officers.

**Chairperson Blackwell** stated the reason why that is important to us is because one of the evaluations as we are here with our Monitor is the issue of lock-up, detainees, treatment of prisoners, and policies as to why people are in custody, and the issue of the quality of this current administration and Chief. I know that we have adopted new policies, specifically in that area. In terms of redundancy is being implemented by police departments to make sure that we go over it very thoroughly and what we are doing as it relates to detainees.

**Comm. Norris** stated I think that the Department has real good (inaudible) in this area and maybe the Chief could speak just for a moment for the benefit of the public. But, one of things that has been very impressive to me is the way the Department has worked with other entities within or outside of the Department to make sure that all kinds of health and safety issues are addressed in the best possible way.

**Chief Bully-Cummings** stated after the consent decrees were entered, one of the committees that were formed by the Mayor was the Compliance Resource Group. That group is composed of a number of city agencies including Health and Wellness (Health Department), the Fire Department, the Budget Department, the Law Department, Information Technology, and Human Resources. We have worked collaboratively because it is not just a DPD issue; it is a city of Detroit issue.

**Mr. Gonzales** stated I think it is remarkable that there were no in-custody deaths last year. Just to sort of indicate that we're not just doing twenty (20) or twenty-nine (29) cases each month, that doesn't relate to the misconduct warrants which are non-shootings and non-custody deaths. This conduct could be anything that the agency suggests, but it could be anything. With the exception of domestic violence, in 2004, the unit reviewed approximately one hundred (100) misconduct warrants for both out county and Detroit.

**Comm. Hampton** asked those that were charged in 2004, what was the percentage of convictions?

**Mr. Gonzales** stated I don't think I have the information, but I could get it to you when I get back to the agency.

**Chairperson Blackwell** (inaudible).

**Prosecutor Worthy** (inaudible).

**Chairperson Blackwell** (inaudible).

**Prosecutor Worthy** (inaudible).

**Comm. Norris** (inaudible).

**Prosecutor Worthy** (inaudible).

**Chairperson Blackwell** thanked Prosecutor Worthy and Mr. Gonzales for attending the Board meeting and giving an excellent presentation.

## **8. OTHER BUSINESS**

**Comm. Norris** commended the Board of Police Commissioners' staff for preparing the Annual Report in a timely fashion.

## **9. ANNOUNCEMENT OF NEXT MEETING**

Thursday, April 21, 2005 @ 3:00 p.m.  
Police Headquarters  
1300 Beaubien, Rm. 328-A  
Detroit, MI 48226

10. ORAL COMMUNICATION FROM THE AUDIENCE

(Inaudible)

11. ADJOURNMENT

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

**DANTE' L. GOSS**  
Executive Director  
Board of Police Commissioners

**DLG/kdw**